

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

KELVIN LARON HOWARD,)
Plaintiff,)
v.) CV 121-125
INVESTIGATOR CHARLES W. KAMMER)
and INVESTIGATOR KYLE GOULD,)
Defendants.)

ORDER

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge’s Report and Recommendation (“R&R”), to which objections have been filed. (Doc. no. 12.) The Magistrate Judge recommended staying and administratively closing Plaintiff’s case until final judgment in his ongoing criminal proceedings. (Doc. no. 9.)

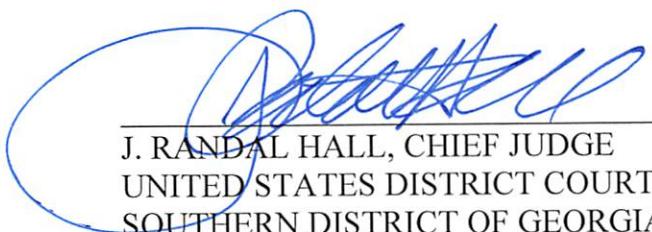
In his objections, Plaintiff argues he has not been charged with crimes for sale of heroin and should be able to challenge the conduct of the Richmond County officers claiming a Nolle Pros disposition in state court. (Doc. no. 12.) While it is true Plaintiff has not been charged with sale of heroin, he currently faces charges for possession of heroin, evidence of which was derived from a search and seizure performed by Richmond County officers. See United States v. Howard, CR 120-026 (S.D. Ga. May 20, 2020) (indictment accusing Plaintiff of illegal possession of narcotics and firearms). Thus the Magistrate Judge

correctly found the actions of the Richmond County officers, in dispute here, inextricably intertwined with Plaintiff's ongoing criminal case.

Accordingly, the Court **OVERRULES** Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **STAYS** and **ADMINISTRATIVELY CLOSES** this civil action until entry of final judgment in Plaintiff's criminal case. At that time, Plaintiff may file a motion to lift the stay.

In light of the stay, Plaintiff's motion for service by the Marshal, (doc. no. 8), and motion for status, (doc. no. 11), are **MOOT**.

SO ORDERED this 19th day of March, 2022, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA